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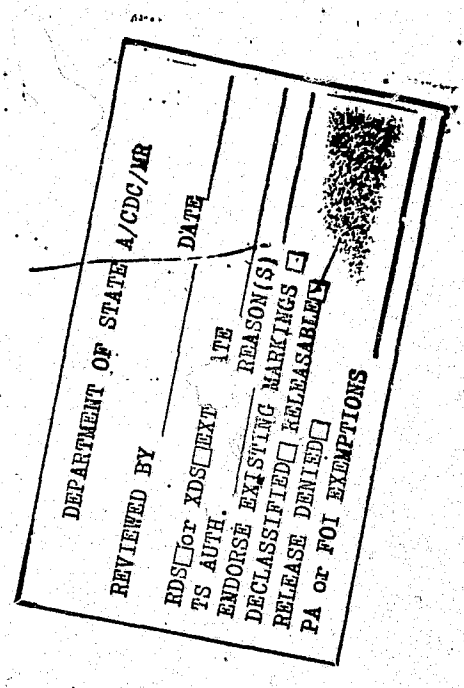

P780015-2308

Feb. 3, 1978

United States Senate SCS

Re: John Victor Stoen
Inquiry resulting from office visit of
his father, Timothy Oliver Stoen
S. F., Calif

Respectfully referred to
Director, Congressional Relations
State Department
Washington, D. C.

6 yr. old son being held illegally in Guyana

for such consideration as the communication herewith submitted may warrant, and for a report thereon, in duplicate to accompany return of inclosure.

TIMOTHY O. STOEN By direction of

CPC:d enc Clifford P. Case

U. S. S.

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JOHN VICTOR STOEN, Age 6, Son of Grace and Timothy Stoen, San Francisco, California. Now held illegally by Jim Jones, leader of Peoples Temple Agricultural Mission, Jonestown, Cooperative Republic of Guyana, South America.

Situation: John Victor Stoen, now age 6, was born to Grace and Timothy Stoen in 1972 and raised in the community of Peoples Temple, San Francisco, California, of which his parents were active members. By 1976, the Peoples Temple was a significant political force in Northern California.

In June 1977, Timothy Stoen, then at the Peoples Temple Agricultural Mission in Guyana, quit the Temple in disagreement over its authoritarian practices, but left John Victor with his teachers at the Mission. The Mission, known as Jonestown, is in a remote jungle area accessible only by air or boat. The U.S. Embassy in Georgetown, Guyana, reports that some 850 Americans are believed to be in residence.

In July 1977, New West magazine reported charges by 30 former Peoples Temple members that Jones controls the organization through fraud, fear, physical beatings and appropriation of the property of its members. Jones thereafter resigned his position as Chairman of the San Francisco Housing authority and moved to Guyana. See Newsweek, August 15, 1977, attached.

In August 1977, the California Superior Court issued an ex-parte order giving custody of John Victor to Grace Stoen. Jones has not released the child in response to this order. In September 1977, habeas corpus proceedings against Jones were brought in the Guyanese courts, but the proceedings have been contested by Jones on procedural grounds and progress has been extremely slow. In November 1977, the Stoens, still legally married although separated since July 1976, appeared together in California Superior Court and were awarded joint legal custody of John Victor. The Court ordered the San Francisco District Attorney to take all actions necessary to obtain release of the child from Jones. Jones has refused to comply with this order and continues to contest the proceedings in Guyana.

Jones has claimed to be the natural father of John Victor, but has not raised this issue in either the California or Guyanese Court proceedings.

All persons involved in the matter are U.S. citizens.

Problem: Jones strongly resists release of the child and is politically influential in the highest circles of the Guyanese Government. The court is expected to award custody to the Stoens, but enforcement may require a political decision to use the Guyanese Army and could result in harm to John Victor or other innocent persons. The Stoens wish to avoid a dangerous confrontation with Jones and to enlist the aid of the U.S. and Guyanese Governments to this end.

Requested Actions: Ask the Secretary of State, Cyrus Vance, to direct the U.S. Ambassador to Guyana to communicate the official concern of the U.S. Government and the Congress of the United States that John Victor Stoen be safely restored to his parents, and to further direct the U.S. Ambassador to seek action by the Guyanese Government to facilitate his safe return by negotiation with Jones and all other necessary means.

Communicate this concern and requested action directly in a letter to Forbes Burnham, Prime Minister, and Dr. Ptolemy Reid, Deputy Prime Minister of Guyana.

Chronology: A chronology of events is attached.

JOHN VICTOR STOEN -- CHRONOLOGY OF EVENTS

January 25, 1972: John Victor Stoen born to Grace and Timothy Stoen in Santa Rosa, California, and raised in community of Peoples Temple.

July 1976: Grace leaves Temple.

February 1977: Timothy resigns position as Assistant District Attorney and Special Prosecutor for City of San Francisco to go to Peoples Temple Agricultural Mission in Guyana, South America.

June 1977: Timothy quits Peoples Temple, leaving John Victor with his teachers in Guyana.

July 1977: Jim Jones, leader of the Peoples Temple, is attacked in the Press. Jones resigns his position as Chairman of the San Francisco Housing Authority and moves to the Mission, which is in a remote jungle area of Guyana.

August 1977: The California Superior Court issues an ex-parte order giving custody of John Victor to Grace. Jones is notified but refuses to permit John to be returned.

September 6 and 10, 1977: Habeas corpus proceedings are brought against Jones in the Supreme Court of the Cooperative Republic of Guyana. A writ of habeas corpus is issued, making John Victor a ward of the court, ordering him brought into court, and granting leave to commence contempt proceedings against Jones. Jones evades personal service. The court authorizes substituted service, which is made with the help of the Guyanese Army.

September (a few days later): The Deputy Prime Minister of Guyana, the Hon. Dr. Ptolemy Reid, returns to Guyana from a trip abroad. All effective action in the "summary" habeas corpus proceedings stops.

November 18, 1977: Timothy and Grace Stoen testify together in Catlifornia Superior Court, and are awarded joint legal custody. The Superior Court determines that it has personal jurisdiction over Jones and that Jones has been properly served; the court determines that Jones is in violation of its order to appear.

The court orders:

a) "that Reverend Jim Jones...immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner."

b) that the San Francisco District Attorney "take all actions necessary...to secure Reverend Jim Jones' compliance with this order."

c) that petitioner "is granted leave to institute contempt proceedings against the Reverend Jim Jones."

November 18, 1977: The above-mentioned court order is served on Jones' attorney of record in San Francisco. Jones does not comply.

November 25, 1977: The District Attorney of San Francisco, Joseph Freitas, Jr., sends an official letter to the following persons requesting each "to use whatever influence you have to help us obtain Reverend Jones' compliance with the aforesaid order:"

a) United States officials: President Jimmy Carter; Secretary of State Cyrus Vance; Bay Area Congressional Representatives;

b) Cooperative Republic of Guyana officials: Prime Minister Forbes Burnham, Deputy Prime Minister Dr. Ptolemy Reid, Foreign and Justice Minister Fred Wills.

December 16, 1977: The U.S Department of State writes a letter to District Attorney Freitas saying in effect that the State Department is unable to help and that the "question of John Victor Stoen's custody will almost certainly be decided by the Guyanese court...on the basis of Guyanese law." The Guyana officials do not respond to Freitas.

December 1977: The Stoens are advised by their Guyanese lawyer that final argument on procedural objections to the habeas corpus writ will commence January 7, 1978.

January 4, 1978: Stoens travel from San Francisco to Georgetown, Guyana.

January 7, 1978: The Guyanese court hears argument in the habeas corpus proceeding. The Stoens are present. Jones appears by counsel.

January 10, 1978: At the conclusion of argument, the court takes the matter "under submission." The Stoens' Guyanese lawyer advises that the outlook for a favorable order confirming habeas corpus against Jones is very positive and that a decision should be issued in matter of days.

January 13, 1978: At 3:50 P.M. an offical of the Guyana Immigration Office comes to the Tower Hotel and advises the Stoens that they must be out of the country before midnight the next day. No reason is given, although visas are good through January 19. Tim advises the U.S. Embassy in Guyana that the order is illegal and that he will stay but Grace will go to Trinidad. The next day while Grace is checking baggage at the airport, the Stoens are informed by a Guyanese Immigration offical that the order has been rescinded. Though requested, no explanation is given.

January 17, 1978: The Stoens are advised by their Guyanese lawyer that a decision may not be reached for a matter of weeks. The matter has now been pending since September.

January 18, 1978: The Stoens decide to leave Guyana and to fly back when the court's decision is imminent. At Guyana's Timehri Airport, Tim is surrounded by three agents of Jones and the Peoples Temple who demand that they drop the court proceedings and verbally threaten their lives.

January 1978: The Stoens remain married with a possibility of reconciliation and are in full agreement and harmony on all questions pertaining to the raising of John Victor.

For Further Information, contact:

Timothy Oliver Stoen

c/o Mayer, Brown & Platt
888 Seventeenth Street, N.W.
Washington, D.C. 20006
Telephone: (202) 785-4443

or

c/o Jeffrey A. Haas
Attorney at Law
3609 Sacramento Street
San Francisco, CA 94188
Telephone: (415) 922-6200

JOHN VICTOR STOEN -- REQUESTED ACTION

I. LETTER to SECRETARY OF STATE CYRUS VANCE (with copy to Terence A. Todman, Assistant Secretary for Inter-American Affair

a. Asking him to direct U.S. Ambassador to communicate official concern of U.S. Government and the Congress of the U.S. that child be safely restored to parents;

b. Asking him to seek action by Guyanese government to facilitate safe return of child by negotiation with Jones and by all other necessary means.

II. LETTER to FORBES BURNHAM, Prime Minister of Guyana, and to DR. PTOLEMY REID, Deputy Prime Minister:

a. Communicating your concern that child be safely restored to parents;

b. Requesting Guyanese government to facilitate safe return of child by direct negotiations with Jones and by all other necessary means;

c. Pointing out that it is in the best interests of the Stoens, the Peoples Temple Agricultural Mission, and the Cooperative Republic of Guyana that the child be safely returned so as to avoid dangers inherent in a confrontation.

III. POINTS TO POSSIBLY INCLUDE:

a. The only issue is the restoration of a child to his parents.

b. Jones, the child, and the Stoens are all U.S. citizens, making this a particularly appropriate case for comity.

c. Jones was found by the California Superior Court to be properly before it, and the order of the court is unequivocally clear in ordering Jones to deliver the child.

d. The parents have taken all reasonable action by submitting themselves to the courts. By failing to personally appear and raise defenses, Jones has in effect defaulted.

e. The California Superior court is so concerned as to have ordered the District Attorney to assist in obtaining compliance by Jones. The District Attorney has sent official letters to the Prime Minister, Deputy Prime Minister, and Foreign and Justice Minister (Fred Wills) but received no response.

f. Jones has knowledge of the order but refuses to comply. Jones refused to let parents even see their son on their visit to Guyana this month.

Temple Trouble

In the poor-black Fillmore district f San Francisco, the Rev. Jim Jones : revered as a good Samaritan with atrons in very high places. As pastor f the People's Temple, one of the largest nterfaith churches in California, Jones ot only claims God's power to heal the ick but also wields palpable clout among ity and state political leaders. The gov-mor, lieutenant governor, mayor, sheriff nd district attorney have all visited ie temple and, during the 1976 Presi-ential campaign, Jones himself shared platform with Rosalynn arter. Last December, the harismatic preacher who un muster black voters was amed chairman of the San rancisco Housing Authori-/ Commission by Mayor eorge Moscone. But now ones stands accused by 30 ormer temple members of uilding his power through ear, fraud, physical beatings, ie appropriation of parish-oners' property and possible isuse of government funds. The accusations were pub-shed in two August issues f New West magazine, hich called for an investiga-on of the temple's financial and disci-linary practices. Church representa-ves promptly denied the charges. But a pair of surprise moves last week, ones resigned from the Housing Au-ority and District Attorney Joseph reitas announced that he would look nto the accusations.

Richard Barnes—New West

Colony: No one has yet filed a formal omplaint against Jones, who temple of-cials said was unreachable at the urch's 27,000-acre South American rm colony in Guyana. The city's most owerful politicians still seem solidly ehind the controversial minister. May-r Moscone has said he saw no evidence at Jones had broken any laws and, in a ecent Sunday-morning sermon at the mple, black state Assemblyman Willie rown labeled the attacks "a measure of he church's] effectiveness."

Jones preaches a religious socialism at he himself, it appears, is the first practice. His church, which claims 0,000 members statewide, sponsors a rug-rehabilitation program, a free res-urant and medical clinic and a legal-aid rvice. More radically, Jones encour-ges his flock to give up their private roperty and live in low-rent apartments ased by the church from the city. Jones nd his wife live modestly above the mple, where they are rising a multira-ial family of seven adopted children lus their own son. But his social activ-m also is expressed as politics, and n Election Day, the poor deliver for eir leader. In two recent close races for mayor and district attorney, Jones's regimented followers were considered important to the winners.

According to some former church members, however, Jones's power is based as much on fear and fraud as on faith. His services are often held behind locked doors, and even then Jones is protected by bodyguards. The breakaway parishioners described ritual beatings and humiliating group encounters held at all-night sessions. A former secretary to Jones reported that the preacher faked healings by displaying chicken guts as tissue he had miraculously removed from cancer patients. Others said they had been persuaded into deeding over their homes to the church and had been talked into giving the temple government funds they received for running foster-care homes.

When New West first considered investigating the People's Temple, the editors were barraged with pleas from politicians and businessmen to kill the story. When the editors persisted, some were harassed at home by anonymous callers. Meanwhile, other local newsmen reported similar coercion and only when word of the pressure campaign appeared in a local newspaper column did ex-members of the temple volunteer to tell of their experiences.

In separate interviews with NEWSWEEK, former followers of Jones corroborated the New West report. Micki Touchette, 25, told how she and eleven other students slept in a crowded garage and were given a weekly dole of $2 each as members of a temple commune. Touchette, who is white, said that Jones, who is part American Indian, told them "how ugly and horrible it was to be white," and "not to have sex because we were all latent homosexuals."

KKK: Laura Cornelius, 52, a black woman, said that Jones promised his followers a haven in Guyana when, as he predicted, Fascists took over the U.S. "He said they had a plan to exterminate blacks like they did the Jews," Cornelius recalled. She also described a ritual by temple members that dramatized a Ku Klux Klan lynching. "That's why people turned over all they had," she said. "He told us the whites would take it."

Others reported threats against their lives if they dared talk to police and said that they had been made to sign false confessions to crimes such as conspiracy against the government. "Jim always said he had an in with the police," said Deanna Myrtle, 38, "so we thought going to the police would be suicide."

Church officials have issued statements countercharging that some of the dissenters were terrorists and child molesters. Throughout the controversy, Jones has remained at the Guyana farm, which the church says it funds with $150,000 annually. And some suspect that the Rev. Mr. Jones may be the first to take up permanent asylum in the Guyana haven.

—KENNETH L. WOODWARD with MARK WHITAKER and STEPHEN GAYLE in San Francisco

Jones (inset), Klan drama: 'That's why people turned over all they had'

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Attorneys for Petitioner

FILED
San Francisco County Superior Ct
NOV 18 1977
CARL M. OLSEN, Clerk
D. FLANAGAN, Deputy Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

In re the marriage of	No. 719-147
Petitioner: GRACE LUCY STOEN	ORDER RE CHILD CUSTODY
and	
Respondent: TIMOTHY O. STOEN	

The matter of the order to show cause re the custody of the minor child JOHN VICTOR STOEN, born January 25, 1972 came on regularly for hearing on November 18, 1977 in Department 13 of the above entitled court. Petitioner GRACE LUCY STOEN was present personally and through her attorneys of record, Jeffrey Haas and Margaret Ryan. Respondent TIMOTHY O. STOEN appeared in pro per. There was no appearance by Claimant JIM JONES.

GOOD CAUSE APPEARING, the court made the following finding and orders:

1. Based upon the declarations on file it is found that

Claimant Reverend Jim Jones had actual notice of the pendency of the proceedings, of his joinder, of this court's order directing him to appear and of the instant hearing.

2. It is also found that contrary to the order of this court that Reverend Jim Jones failed to appear before this court on November 18, 1977 at 9:00 AM.

3. Based on testimony offered at the hearing of November 18, 1977 and a written stipulation filed therein, the court finds and orders that it is in the best interest of the minor child, JOHN VICTOR STOEN that his physical custody, care and control be awarded to Petitioner GRACE LUCY STOEN, his natural mother. Reasonable visitation will be reserved to Respondent TIMOTHY O. STOEN. Petitioner and Respondent will share joint legal custody. This court hereby fully incorporates by reference the stipulation between the parties signed on November 18, 1977 and the order arising therefrom.

4. It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative.

5. It is ordered that pursuant to Section 4604 of the California Civil Code, the District Attorney of the City and County of San Francisco shall take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order.

6. It is further ordered that Petitioner is granted leave to institute contempt proceedings against the Reverend Jim Jones.

7. Based on testimony offered at the hearing on November 18, 1977 by both Petitioner and Respondent and notarized documents

RYAN
LAW
REET
CA 94102

provided to and filed with the court, the court finds and orders that all previous statements signed by either Petitioner or Respondent or both authorizing one JOYCE TOUCHETTE, JIM JONES, or any other person to act as guardian of said minor child is hereby declared null and void.

ORDERED this 18th day of November, 1977 and signed the 18th day of November, 1977.

JUDGE OF THE SUPERIOR COURT

ARET RYAN
NEY AT LAW
AGE STREET
CO, CA 94102

TIMOTHY OLIVER STOEN --- PROFESSIONAL RESUME

1. Stanford Law School: Doctor of Jurisprudence Degree, 1964.
2. Wheaton College (Illinois): Bachelor of Arts Degree, 1960.
3. Rotary Foundation Graduate Fellowship: England, 1961-62.
4. Admissions: California Supreme Court, 1965; United States Supreme Court, 1974.
5. Mendocino County (California) Practice:
   a. Deputy District Attorney (Prosecutor), 1965-67.
   b. Directing Attorney, Legal Services Foundation, 1967-68.
   c. Assistant District Attorney (Acting County Counsel), 1970-76:

      (1) Evaluation: "He has one of the finest legal minds I have ever encountered, and is an outstanding trial advocate. Tim is undoubtedly what might better be termed, a lawyer's lawyer." [District Attorney Duncan M. James.]

      (2) Evaluation: "his dedicated and herculean labors as a public attorney and County counsel." [Board of Supervisors Resolution.]
6. San Francisco Practice:
   a. Criminal Defense and General Private Practice, 1968-69.
   b. Assistant District Attorney for City and County of San Francisco, 1976-77:

      (1) May 1976, hired to handle Voter Fraud Scandal: Filed 39 felony indictments, resulting in 37 convictions.

      (2) November 1976, appointed by District Attorney Joseph Freitas, Jr. to head new "Special Prosecution" felony team.

      (3) Gave Training Instruction to prosecuting attorneys emphasizing fairness to defendants in grand jury procedure.

      (4) February 1977, resigned to do nonprofit legal work, eventual private practice.

      (5) Evaluation: "Your work before the Grand Jury and with the Press has been nothing short of sensational. Watching you last week was a pleasure. I have had numerous comments from lawyers, grand jurors, and press extolling your fairness, professionalism, and human qualities. You are a real credit to this office." [Chief Assistant District Attorney Daniel H. Weinstein.]
7. Service to State Bar of California:

   a. April 1976, appointed by Governor Edmund Brown, Jr. to State Advisory Council for Federal Legal Services Corporation, pursuant to unanimous recommendation of Board of Governors of California State Bar as possessing "such superior qualifications and motivation" as to be in top 3 of 90 lawyers originally considered. Reappointed by Governor in April 1977.

   b. 1972-73, served on State Bar Ad Hoc Committee re Local Governments.
8. Community Service:
   a. President, Heart Association of Mendocino County, 1973-75.
   b. Director, North Coast Coordinating Council on Developmental Disabilities, 1975-76.
   c. Ukiah Rotary Club, 1973-76.
9. Professional Memberships: American Bar Association, California District Attorneys Association, San Francisco Bar Association, Lawyers Club of San Francisco, National Legal Aid and Defender Association; ACLU, NAACP.

TIMOTHY OLIVER STOEN --- CHARACTER REFERENCES

1. Superior Court Judge Arthur B. Broaddus: "He is an extremely capable trial attorney.... His work is careful, thorough and prompt. Add to this his fine judgment and common sense approach and you start to get an approximation of the fine attorney he is." [4/8/75]

2. Attorney Leo M. Cook: "His intellectual level is very high, and he has an extraordinary ability to analyze complicated issues. *** He is certainly incoruptable." [4/14/76]

3. Chairman of Mendocino County Board of Supervisors Ernest F. Banker: "He has great integrity and a dedication to any job that he undertakes in a degree that I have found unsurpassed. I have never really known of any advice that Tim has given our Board that has caused us any embarrassment or financial loss, and our reliance on him is unequivocal." [4/15/76]

4. State Assemblyman Barry Keene: "By virtue of his fair and public spirited approach to the practice of law, Mr. Stoen has garnered the admiration of the Bench and the Bar of the state as well as his community at large." [10/15/75]

5. Former Stanford Assistant Professor of Law Jared G. Carter: "I have the highest possible regard for Tim Stoen's ability, integrity and fairness. I first knew him as a student of mine at Stanford Law School for the period between 1963 and 1965. *** Tim enjoys not only my high opinion, but also the high regard of the entire county administration and the Bar in this area." [4/15/76]

6. Attorney and Mendocino County Supervisor Burgess Williams: "I am now completing four years on the County Board of Supervisors, and Mr. Stoen has always been our legal counsel. During that time, the Board has conducted many public hearings involving complex legal matters, and I have always gone into those hearings confident that our attorney was better prepared and more knowledgeable on the issues than any other advocate in the chambers. Mr. Stoen is an ethical, principled person whose character is beyond reproach. I don't believe there is a better public attorney in the State of California." [4/15/76]

7. Mendocino County Bar Association President Richard J. Petersen: "He's knowledgeable, believes in what he's doing, is truthful to himself and therefore can be truthful to a jury; he's an honor to his profession. *** I would be hard-pressed to list one attorney--and I'm saying these words literally--not one attorney in the Mendocino County Bar who does not believe Tim Stoen an honest man, a principled man, an effective lawyer, and perhaps more importantly, a well-balanced man." [4/15/76]

8. Superior Court Judge John J. Golden: "Tim is an excellent lawyer." [4/14/76]

9. Attorney Merle P. Orchard: "He...has distinguished himself in the practice of law to a high degree. He also commands the utmost personal respect in this community [Ukiah]. He is both a fine scholar as well as an aggressive and exceptionally fine practitioner of the law. Of all the young men whom I have seen practice in the last 25 years in this community, I would place Tim, in all respects, at the very top." [4/21/76]

10. Mendocino County Public Defender Joseph D. Allen: "Mr. Stoen compiled a brilliant record as a criminal prosecutor. *** I have found him to be deeply committed to civil rights matters as well as social justice, the vigorous prosecution of law breakers and vigorous protection of the county tax payers in handling the county's civil legal business. Mr. Stoen...in his professional capacity has a reputation in our county for fairness, intelligence, absolute integrity and total honesty. He is not active in partisan politics but he is in my opinion a very shrewd and deft negotiator. *** He enjoys absolutely the highest reputation by all who have known him in Mendocino County." [4/14/76]

and at the end of the Jan 10 hearings the judge took the case under advisement and stated he would study the issues and made a decision. The Stoen's attorneys expressed optimism that the decision would be made shortly but thus far there has been no decision. The decision is whether the September order for Jones to ~~produce~~ produce the child was legal or not. The custody case has not yet been formally introduced into court.

Mr. Stoen is an attorney ~~as~~ and was formerly the assistant District Attorney in San Francisco. He has visited many Senators and Congressmen during the past two weeks and sent mailgrams to 91 members of ~~xxxxx~~ congress.

On the opposite side the desk has received at least 400 letters from supporters of the group alleging that the Embassy has interfered in the internal workings of the Guyanese government by assisting the Stoens when their visas were suddenly and without reason revoked during the hearings.

As far as SCS and ARA can determine the issue is still a child custody dispute involving all American citizen disputants in Guyana.

We have now received an expression of interest from DHA who feel that ~~x~~ the USG should come out openly in favor of the Stoen's case. They are deaf to our reasoning that we are unable to determine the merits of the case, that the court is the proper forum for such a determination and that without any court decision it would be improper for us to attempt to influence the local government.

EAPowers 2-3-78